

73999/95804

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appl. of: Jonathan W. Nyce : Group Art Unit: 1643
Serial No.: 08/093,972 : Appl. Ref. No. EPI-072
Filed: June 9, 1998 : Examiner: Janet Epps
For: AGENT, COMPOSITION, KIT & METHOD FOR TREATMENT OF DISORDERS
ASSOCIATED WITH BRONCHOCONSTRICTION, INCLUDING ASTHMA

POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, DC 20231

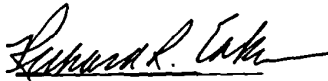
Sir/Madam:

I hereby appoint Viviana Amzel, Reg. No. 30,930, and Kenneth D. Sibley, Reg. No. 31,665, as attorneys to prosecute the above-identified application and transact all business in the US Patent and Trademark Office connected therewith.

All telephone calls should be addressed to Viviana Amzel at 213-430-3520, and all facsimiles sent to 213-617-9255. All further correspondence should be sent to:

Viviana Amzel, Ph.D.
ARTER & HADDEN LLP
725 South Figueroa Street - Suite 3400
Los Angeles, CA 90017

3/24/00
Date


Richard R. Eakin
Chancellor
East Carolina University

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce : Art Unit: 1635
Serial No.: 09/093,972 : Examiner: Janet Epps
Filed: June 9, 1998 : Appl. Ref. No.: EPI-072
For: **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION &
TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH
BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**

CLAIM FOR PRIORITY UNDER 35 USC '120

Assistant Secretary for Patents
Washington DC 20231

Sir/Madam:

The applicant hereby claims priority for the above-identified U.S. Patent Application of the filing dates of the following U.S. Patent Applications under 35 USC 120:

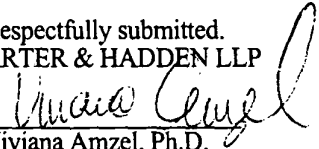
- 1- U.S.S.N. 08/472,527, filed June 7, 1995, CPA filed February 27, 1998, now U.S. Patent No. 6,040,296.
- 2- U.S.S.N. 08/757,024, filed November 26, 1996, by Jonathan W. Nyce, now U.S. Patent No. 6,025,339, which is a continuation-in-part of U.S.S.N. 08/472,527, filed June 7, 1995.
- 3- U.S.S.N. 08/474,497, filed June 7, 1995, by Jonathan W. Nyce and W. James Metzger, now U.S. Patent No. 5, 994,315.
- 4- USSN 09/016,464, filed January 30, 1998, which is a divisional of USSN 08/474,497, by Jonathan W. Nyce and W. James Metzger, filed June 3, 1998, now pending.

The text of the above-identified application is being amended to contain this information.

5/4/00
Date

Citicorp Plaza
725 S. Figueroa St.-Suite 3400
Los Angeles, CA 90017
213-430-3520 Direct Ph.
213-617-9255 Fax

Respectfully submitted.
ARTER & HADDEN LLP


Viviana Amzel, Ph.D.
Reg. No. 30,930
Attorney for Applicant

5/4/00
Date of Deposit

I hereby certify that this paper or fee is being deposited with the United States Postal Service "First Class Mail" on the date indicated above and is addressed to the Commission of Patents and Trademarks, Washington D.C. 20231.

**RECORDATION FORM COVER SHEET
PATENTS ONLY**

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- ☒ New For: USSN 09/093,972
- ☐ Resubmission (Non-Recordation)
Document ID#
- ☐ Correction of PTO Error
Reel # Frame #
- ☐ Corrective Document
Reel # Frame #

Conveyance Type

- ☒ Assignment ☐ Security Agreement
- ☐ License ☐ Change of Name
- ☐ Merger ☐ Other

U.S. Government
(For Use ONLY by U.S. Government Agencies)

☐ Departmental File ☐ Secret File

Conveying Party(ies)

☐ Mark if additional names of conveying parties attached

Name (line 1) Jonathan W. Nyce

Execution Date
Month Day Year
03 30 1999

Name (line 2)

Second Party

Name (line 1)

Execution Date
Month Day Year

Name (line 2)

Receiving Party

☐ Mark if additional names of receiving parties attached

Name (line 1) East Carolina University

Name (line 2)

☐ If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. (Designation must be a separate document from Assignment.)

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Address (line 2)

Address (line 3) Greenville

North Carolina

27858-4353

City

State/Country

Zip Code

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name Viviana Amzel, Ph.D.

Address (line 1) ARTER & HADDEN, L.L.P.

Address (line 2) 725 South Figueroa Street, #3400, Los Angeles, CA 90017

Address (line 3)

Address (line 4)

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Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments, Washington, D.C. 20231

Correspondent Name and Address

Area Code and Telephone Number (213) 430-3520

Name Viviana Amzel, Ph.D. (Reg. No. 30,930)

Address (line 1) Arter & Hadden LLP

Address (line 2) Citicorp Plaza

Address (line 3) 725 South Figueroa Street, Suite 3400

Address (line 4) Los Angeles, CA 90017-5434

Pages

Enter the total number of pages of the attached conveyance document including any attachments.

4 pages total

Application Number(s) or Patent Number(s)

☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)

09/093,972

Patent Number(s)

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor.

Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number
only if a U.S. Application Number
has not been assigned.

PCT PCT PCT
PCT PCT PCT

Number of Properties

Enter the total number of properties involved. #

1

Fee Amount

Fee Amount for Properties Listed (37 CFR 3.41): \$ 40.00

Method of Payment:
Deposit Account

Enclosed ☒ Deposit Account ☐

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number:

01-2520

Authorization to charge additional fees:

Yes ☐ No ☒

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Viviana Amzel, Ph.D.

Name of Person Signing

Signature

Date

May 4
April, 2000

ASSIGNMENT

WHEREAS, Jonathan W. Nyce, a citizen of the United States of America, residing at 59 Sayre Drive, Princeton, New Jersey, Assignor, has invented new and useful **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION & TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**, for which an application for United States Letters Patent was executed by him and filed on or about June 9, 1998; and

WHEREAS, Assignor believes himself to be the original, first and sole inventor of the invention disclosed and claimed in the application for Letters Patent; and

WHEREAS, East Carolina University, a non-profit organization chartered under the laws of the State of North Carolina, having a principal place of operation at 4W-54 Brody Bldg., Greenville, North Carolina, 27858, Assignee, desires to acquire by formal, recordable assignment the entire right, title and interest in and to the invention, the application, and any Letters Patent that might be granted for the invention in the United States and throughout the world;

NOW, THEREFORE, in consideration of the sum of Ten Dollars (\$10.00) and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor hereby sells, assigns and transfers to Assignee, the entire right, title and interest in and to the invention, the application, and any Letters Patent that might be granted for the invention in the United States and throughout the world, including the right to file foreign applications directly in the name of Assignee and to claim for any such foreign applications any priority rights to which such applications are entitled under international conventions, treaties or otherwise.

Further, Assignor agrees that, upon request and without further compensation, but at no expense to Assignor, he and his legal representatives and assigns will perform all lawful acts, including the execution of papers and the giving of testimony, that might be necessary or desirable for obtaining, sustaining, reissuing or enforcing Letters Patent in the United States and throughout the world for the invention, and for perfecting, recording or maintaining the title of Assignee, its successors and assigns, to the invention, the application, and any Letters Patent granted for the invention in the United States and throughout the world.

Assignor represents and warrants that he has not granted and will not grant to others any rights inconsistent with the rights granted by this Assignment.

Assignor authorizes and requests the Commissioner of Patents and Trademarks of the United States and of all foreign countries to issue any Letters Patent granted for the invention, whether on the application or on any subsequently filed division, continuation, continuation-in-part or reissue application, to Assignee, its successors and assigns, as the assignee of the entire interest in the invention.

Assignor further authorizes and requests insertion below of the serial number and filing date of the application, when officially known:

Serial No. _____ Filing Date _____

IN WITNESS WHEREOF, Assignor has executed this Assignment.

Date: 3/3/00


JONATHAN W. NYCE

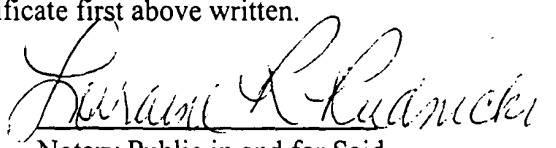
State of New Jersey)

County of Middlebury)

) ss.

On this 30th day of March, in the year of 2000, before me personally appeared Jonathan W Nyce, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged to me that he executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year of this certificate first above written.


Notary Public in and for Said
County and State

LORRAINE R. RUDNICKI
Notary Public of New Jersey
My Commission Expires March 9, 2003

EPI-072

Amendment 5/4/00

USSN 09/093,972

Applicant: Jonathan Nyce, EpiGenesis

Appl. Atty: Viviana Amzel, Ph.D. (213) 430-352

19301	
ARTER & HADDEN LLP DOCKET ACCOUNT 725 S. FIGUEROA ST., NO. 3400 213-430-3000 LOS ANGELES, CA 90017	UNION BANK OF CALIFORNIA LOS ANGELES MAIN #113 445 S. FIGUEROA ST., LOS ANGELES, CA 90071 800 238 4486 <div style="text-align: right;">DATE <u>04/05/00</u></div>
16-49/113 1220	
TO THE ORDER OF Commissioner for Patents & Trademarks <div style="text-align: right; font-family: cursive; font-size: 1.2em;">Joseph B. Henderson</div> <div style="text-align: center; font-family: monospace; font-size: 0.8em;">⑈019301⑈ ⑆122000496⑆ 0320044863⑈</div>	

ARTER & HADDEN LLP

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE FORM WVC-4 V-2

DATE	DESCRIPTION	AMOUNT
04/05/00	Assignment Recordation Fee EPI-072 73999/95804	\$40.00